SIU

Annual Report 2005-2006

One Law

SIU Special Investigations Unit

UES Unité des enquêtes spéciales

Independent Investigations - Community Confidence • Enquêtes indépendantes - Confiance de la collectivité

October 2006

The Honourable Michael Bryant
Attorney General of Ontario
720 Bay Street, 11th Floor
Toronto, Ontario
M5G 2K1

Dear Mr. Attorney General:

Pursuant to the Memorandum of Understanding between the Ministry of the Attorney General and the Special Investigations Unit, I am pleased to present to you the Annual Report of the Special Investigations Unit for the year ending March 31, 2006.

Yours sincerely,

James L. Cornish
Director

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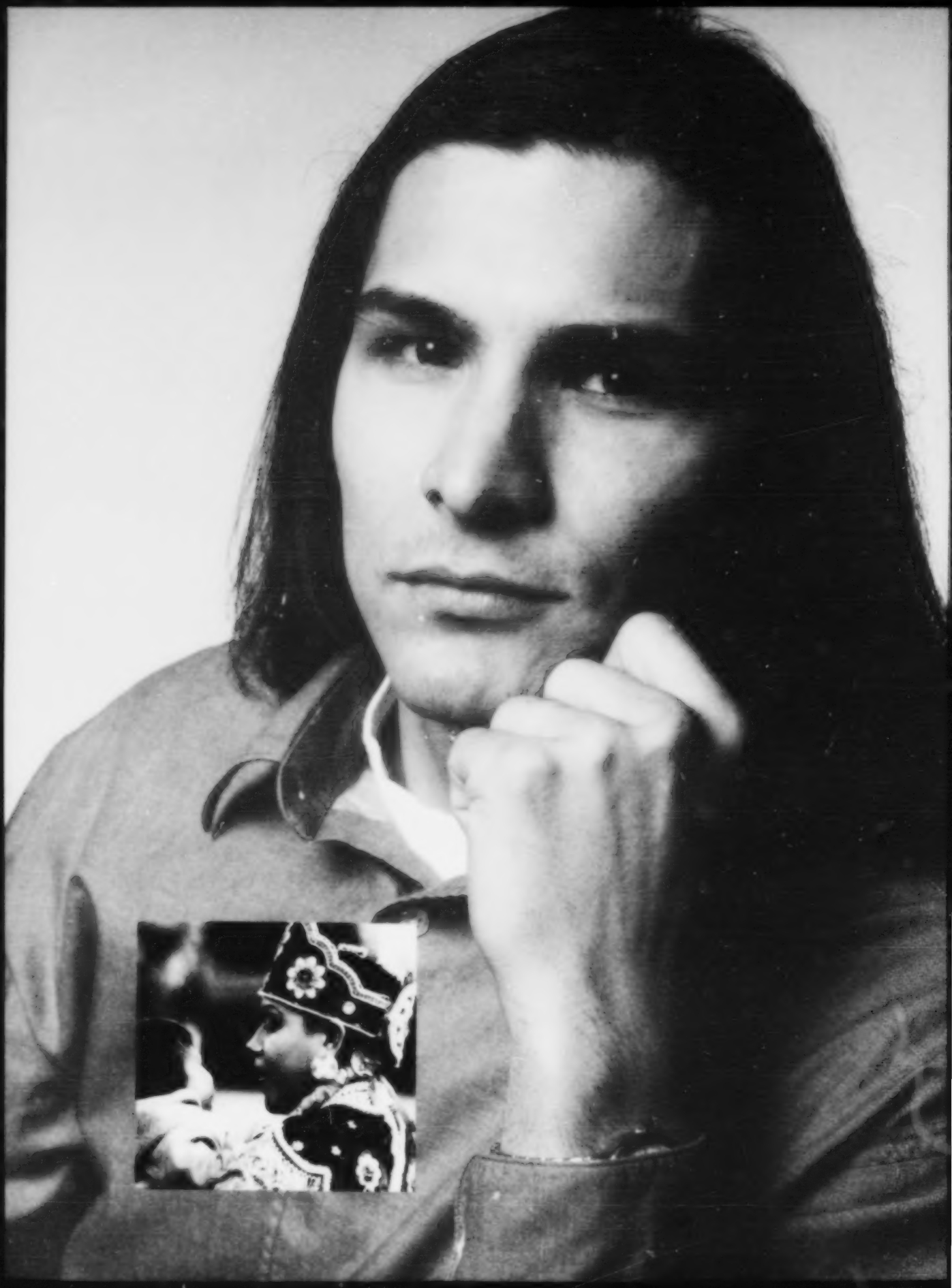


Message from the Director

Creating and strengthening connections with stakeholders was a very important focus of the work of the SIU in 2005 - 06. As you will read, we launched the First Nations Liaison program to improve the delivery of SIU services in those cases involving First Nations people or communities. As in past years, we continued to improve outreach to police agencies, particularly to officers working on the front lines. As well, the Unit implemented the Affected Persons service, providing much needed coordinated service to complainants and families who are affected by SIU investigations.

During the past year, I personally focused upon developing the connections between the mandate of the SIU and values and strategic objectives. This must start with the vision, mission and values of the organization and in 2005 - 06, the Investigator's Creed was revised. This was an important step in defining the values of the organization. I have also investigated how to bring discipline and objectivity to planning and measuring success. Based on the research done to date, the SIU will be adopting the Balanced Scorecard approach in 2006 - 07.' This is a priority of mine, and I will work with all staff to ensure that we work together with shared purpose and are able to measure our progress against standards that are easy to understand and communicate. There will be opportunities for small successes in this area over the coming year, and we will seize upon those opportunities and report on them in next year's Annual Report.

In 2005 - 06, staff of the Unit was able to rise to the challenge of a 50% increase over the previous year in the number of cases investigated, while continuing to meet SIU performance standards such as response times and closure rates.

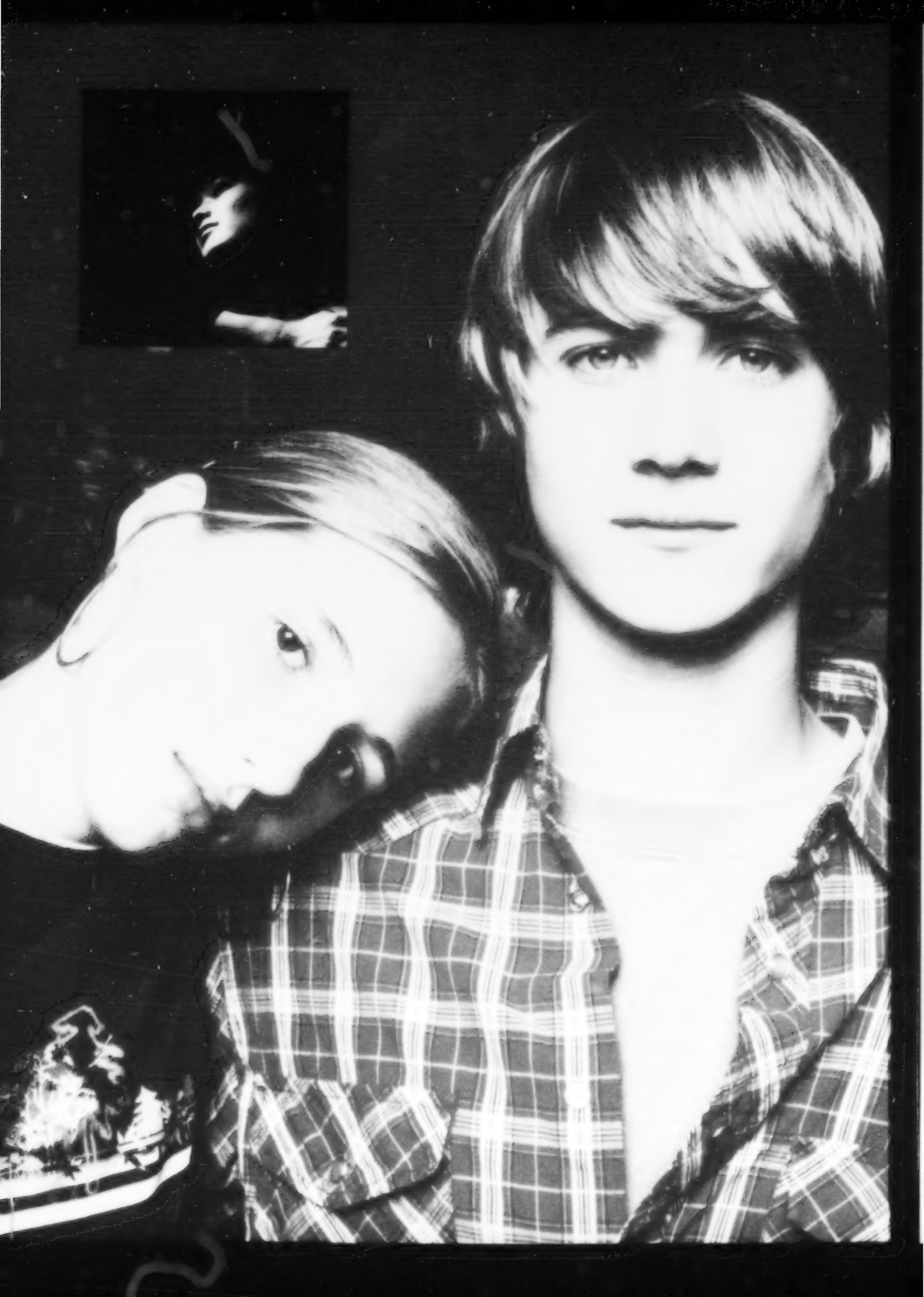
We have invested in research and data collection; information about complainants is being included in this Report for the first time, as we report on the average age and gender by case type.

Since the beginning of my tenure in this position, I have ensured that cultural sensitivity is a part of every training session conducted in the Unit (they are conducted quarterly). We will continue to build upon this training in the future. Since, in a very real sense, this Unit operates for the benefit of all the citizens of Ontario, such training assists us on many levels. It assists us in understanding and interpreting behaviour. It assists us in our communications during the course of an investigation. And it assists us in understanding what different communities expect of us; we may not always be able to meet these expectations by reason of our mandate, but it is best to know what they are. We will strive to build our cultural competencies.

The SIU continues to try to meet conflicting expectations. This was expressed in last year's Annual Report. Although we have made significant progress this year – building new connections internally and externally, increasing the level of contact with those touched by our investigations and rising to the challenge of an increased caseload – the Unit hopes to find some answers to questions such as, "What are the per' ormance measurements by which the actions of the SIU should be measured?" by developing a long term strategic plan for the organization.

In the meantime, the dedicated staff of this professional Unit will continue to ensure that there is one law for all the citizens of Ontario. I commend the women and men of the SIU for their continued commitment and professionalism.

James L. Cornish
Director



Part One

INSIDE THE SPECIAL INVESTIGATIONS UNIT

The Special Investigations Unit (the "SIU" or the "Unit") conducts investigations of incidents involving the police that have resulted in death or serious injury, including complaints of sexual assault. It is a civilian investigative body, independent of the police, and operates as an arms-length agency of the Government of Ontario.

Throughout the years, the mission of the SIU has always remained clear: to ensure that there is one law. The assurance that the criminal law is applied appropriately to police conduct, as determined through independent investigations, allows the people of Ontario to have confidence in their police services.

Police officers have the power to detain citizens and to use lethal force when necessary to prevent death or serious injury to the public or to the police themselves. Civilian oversight of police services has become an important accountability mechanism for the exercise of these police powers. The SIU is unique in Canada, and Ontario is one of a few jurisdictions worldwide that has an independent civilian agency with the power to both investigate and charge police officers with a criminal offence.

This section of the Annual Report provides context for understanding the work of the Unit by describing the investigative process and discussing issues that have, or will have, an impact on the SIU.

THE VIEW FROM INSIDE

The primary objective of each investigation conducted by the Special Investigations Unit is to determine whether there is evidence of criminal wrongdoing on the part of the police.

The SIU has a consequence-based jurisdiction: it conducts investigations into incidents involving the police and civilians that have resulted in a serious injury or death. Complaints about police conduct that do not involve a serious injury or death are referred to the appropriate police service or other agencies such as the Ontario Civilian Commission on Police Services (OCCPS).

The involved police service is obligated to report any incidents of death or serious injury that may reasonably fall within the SIU's jurisdiction. That is not to say that notification may only be given by police services. The SIU regularly receives and acts on requests from complainants, members of the media, lawyers, coroners, and those in the medical profession to investigate incidents they believe fall within the SIU's mandate.

The investigative process begins with the assignment of a lead investigator and as many other investigators as required. Investigations typically involve:

- Examining the scene and securing all physical evidence;
- Seeking out and securing the co-operation of witnesses;
- Notifying next of kin, monitoring the medical condition of those who have been injured, and keeping the families informed on how the investigation is progressing;
- Consulting with the coroner if there has been a death;
- Securing police equipment for forensic examination; and
- Submitting an investigation report, which is reviewed by the Investigative Supervisor, the Executive Officer and ultimately, the Director.

The Unit's in-house forensic identification team participates in investigations by providing technical advice and assistance to investigators about the significance of physical evidence. The forensic team is responsible for protecting, collecting, preserving, and analyzing the physical evidence related to the incidents under investigation. Technicians are also responsible for interpreting trace evidence or collecting, securing and transporting such evidence for interpretation by experts. They also record the autopsy process in the case of death investigations.

Every SIU investigation leads to a decision by the Director about whether there are reasonable grounds for a criminal charge against a police officer or officers. If the Director's decision is that no such grounds exist, the Attorney General is notified in a written report and the case is closed. In cases where a charge is laid, the SIU refers the matter to Justice Prosecutions of the Criminal Law Division of the Ministry of the Attorney General, which prosecutes the charge.

In June 2005, staff participated in a facilitated session about developing a values statement for the Unit. During a discussion on ethics, investigators noted that the existing Creed did not fully capture the services they provide to the diverse communities of Ontario. The Director asked the investigators to draft their own Creed and they did. In December, at a subsequent workshop, investigative staff reviewed each belief set out in the Creed and discussed how and why that belief applied to them and their work with the SIU.

The revised Investigator's Creed now truly reflects the specific commitment that each investigator makes to his/her work for the SIU.

Investigator's Creed

I believe that in all investigations, I must keep an open mind, pursue all leads and be determined in the pursuit of the truth.

I believe that I must maintain the integrity of all investigations, ensure they are thorough, comprehensive, conducted sensitively and in a timely fashion.

I believe that all investigations must be independent and guided by established rules and policies, both internal and external.

I believe that I must set aside my personal biases during any investigation.

I believe that complainants, their family members and involved officers must be treated with fairness, respect and sensitivity because they have been through a very trying experience.

I believe that whenever it is possible, I should keep the involved police service, the involved officers and all others affected by my investigations informed about what I am doing and why, as long as it does not affect the integrity of my investigations or my oath as a peace officer and public servant.

I believe that it is part of my duty to do everything I can to improve the working relationship between the SIU, the police services of Ontario and the people of Ontario.

I believe that it is important for me to continue to develop my skill and expertise as a professional investigator and to strive to exceed the community standard of morals and ethics.

I believe that I am accountable to my colleagues, my leaders and to the diversified community of the Province of Ontario.

I believe that I should respect the ethnic, cultural and religious beliefs of all those affected by my investigations and honour those ethnic, cultural and religious beliefs to the extent that they do not adversely affect the integrity of my investigation.

I believe that it is important for me to advise the Director of police services and officers that are not cooperating with investigations and to provide the particulars of that to the Director. Similarly, I believe that it is important for me to advise the Director of police services and officers who are cooperating fully with my investigations.

I believe that it is my duty to do what is right, even when there is no law or rule saying that I should do the right thing.

FREQUENTLY ASKED QUESTIONS

Why does the SIU Exist?

Prior to the SIU, police services investigated themselves or in some instances, another police service was assigned to conduct the investigation. There was public concern about the integrity of the process in which police officers investigated other police officers, particularly in incidents of police shootings where a member of the public had been wounded or killed. Simply put, there was a lack of public confidence in a system where police policed themselves.

As a result, the SIU was formed in 1990 under a new Ontario *Police Services Act*. It established the SIU as an independent arms-length agency of the government, led by a Director and composed of civilian investigators.

The SIU's mission is to increase the confidence of the people of Ontario in their police services by conducting professional and independent investigations of incidents involving the police that have resulted in serious injury, including sexual assault, or death.

Can the SIU investigate all complaints against police?

The SIU has a limited, consequence-based jurisdiction. We conduct investigations into police activity where someone has died or has been seriously injured. This includes allegations of sexual assault. Complaints involving police conduct, services and policies that do not result in a serious injury or death must be referred to other complaint processes.

What are "serious injuries?"

The SIU continues to use the definition of serious injury that was created by the SIU's first Director, the Honourable John Osler. The definition was published after consultations and has withstood the test of time. Indeed, the Ontario Association of Chiefs of Police has adopted it, recommending to its members that they use this definition in determining whether a case falls within the jurisdiction of the SIU. The Osler definition reads:

"Serious injuries" shall include those that are likely to interfere with the health or comfort of the victim and are more than merely transient or trifling in nature and will include serious injury resulting from sexual assault. "Serious injury" shall initially be presumed when the victim is admitted to hospital, suffers a fracture to a limb, rib or vertebrae or to the skull, suffers burns to a major portion of the body or loses any portion of the body or suffers loss of vision or hearing, or alleges sexual assault. Where a prolonged delay is likely before the seriousness of the injury can be assessed, the Unit should be notified so that it can monitor the situation and decide on the extent of its involvement.

The key aspect of the Osler definition is the impact the injury has on the individual's life, health and ability to carry on in a normal fashion.

FREQUENTLY ASKED QUESTIONS

How long do SIU investigations take?

The SIU has set goals for expeditious investigations. We recognize it is important to resolve cases in a timely manner and statistically, over half of our cases close within 30 days. However, every investigation is different and some, due to their complex nature or unforeseen circumstances, require more time to complete.

It is also important to note that the thoroughness of the investigation takes precedence over the length of time it takes to finish an investigation. No case is presented to the Director for his decision until the investigation is complete.

What happens at the end of an investigation?

Our sole focus during the investigative process is to gather the facts. Once all the facts are gathered, the Director makes a decision whether there are reasonable grounds to lay a criminal charge against a police officer. Also, in order to ensure that the investigative and supervisory staff are always learning, a number of closed investigations are selected and subjected to critical review.

At the end of the process, the SIU strives to provide an explanation of what happened to all those involved to the extent allowed by the law. The Attorney General of Ontario, the Chief of the involved police service or the Commissioner of the OPP, and others involved in the incident, are notified of the investigation's findings and the Director's decision.

What are the qualifications of an SIU investigator?

The average investigative experience amongst our over 40 investigators and forensic identification technicians is 26 years. Our full-time investigative team is balanced in that half of them are former police officers and the other half come from civilian investigative backgrounds.[1] All of our investigators have extensive experience investigating deaths, sexual assaults, serious assaults and firearm incidents.

[1] This balance changes modestly from year to year.

CURRENT AND EMERGING ISSUES IN ONTARIO

TASERs

Further to last year's report, the SIU continued to monitor the use and the study of TASERs in 2005-06.

TASERs, popularly known as stun guns, are hand-held devices that emit high-voltage electricity at low current. The shock overrides the central nervous system and temporarily immobilizes the recipient.

In 2005-06, the SIU investigated six incidents in which a TASER was discharged by a police officer. One of these cases involved the investigation of a death that could not be attributed to the use of the TASER. In the other five cases, it was determined that the use of the TASER did not cause the serious injury, which was the subject of the investigation.

See page 18 to read more about one of these cases involving a TASER.

While the use of this device is presently limited to tactical units and certain senior rank officers in a number of police services across Ontario, there are currently no provincial standards governing the training for its use. It therefore continues to be important for the SIU to stay abreast of the latest research, including the science of this technology, its impact on the human body under various conditions, and the emerging legal and regulatory landscapes related to its use by police officers. Examples of how the SIU has done this are:

- In July 2005, SIU staff attended a presentation of the findings of a Canadian Police Research Centre (CPRC) study about the safety of TASER technology. The study was commissioned by the BC Office of the Police Complaint Commissioner after the death of a man who had been subjected to a TASER discharge by the police. This study addressed the latest technological developments in the device, the results of other studies about safety and efficacy of TASER use by law enforcement personnel, training issues and, most importantly from the SIU's perspective, the investigation of TASER-related deaths. The study is available on the CPRC's web site at www.cprc.org.
- An SIU investigator attended the Coroner's Inquest into the death of a man, which had also been the subject of an investigation by the Unit in 2004-05 and involved TASER use by police. The inquest heard evidence over the course of 13 days. The Coroner's jury concluded that cocaine induced excited delirium caused the death, not the TASER. Among a number of TASER-related recommendations, the jury recommended that all front line police officers in Ontario be authorized to carry a TASER.
- In October 2005, SIU representatives attended the Montreal Conference of the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) at which there was a panel discussion about the TASER device and its use by law enforcement personnel in Canada. Panellists included a renowned emergency medicine physician and a representative of Amnesty International.

The number of TASER-related incidents investigated by the SIU may increase as more officers are equipped with the device. Consequently, it will be important for the SIU to remain on top of the developments regarding this use-of-force option.

Forensics: The "CSI Effect"

"Forensics" refers to the use of science and technology to investigate and establish facts in court. It is important that analysis be detailed and thorough, both in the approach to the scene and the documentation of what was done at the scene.

A mock trial at Professor Tracey Rogers' forensic anthropology class at the University of Toronto featured the SIU Director

Rick Madonik/Toronto Star

The "CSI effect" is best defined as the raising of unrealistic and unattainable expectations about what an investigation can or should produce on a case, as a result of people watching popular crime shows on television such as Crime Scene Investigation – CSI. One flaw in this expectation is that it does not take into account or acknowledge the limitations of a scene, and always infers that the scene is pristine. Similarly some members of the public, including certain complainants and their families, have expectations that all forensic tests will be done in every case. This has added pressure on forensic labs and increased investigation and trial times. Another flaw in this expectation is that it fails to take into account the inherent limitations of the science involved.

The collection of evidence is not straightforward. Any given crime scene can be affected by weather or human intervention. For instance, when paramedics are trying to save someone's life, the preservation of evidence is not their primary objective. Success in this field requires technical competence. It also requires open-mindedness – an ability to see the big picture, a willingness to test hypotheses, an ability to explain the science, and the courage to express professional opinions.

It is important for forensic identification staff to be able to describe what steps they took and what tests were done, to explain why they were carried out. The CSI effect has meant that they now also need to be able to describe what tests were not done and why. This is sometimes referred to as negative evidence testimony.

In general, there is a lack of understanding that the absence of evidence is not the same as evidence of absence. Not every touch of a bare hand leaves a fingerprint. Not every scene examination yields DNA. Furthermore, prints or DNA may be irrelevant due to many circumstances; for example, there may be an innocent explanation for a print or DNA being at a certain place.

The staff of the SIU is mindful of this effect, and will continue to carry out their work so that scenes are appropriately processed in order that they can be correctly interpreted by the Director.

Freedom of Information

As an agency of government, the SIU must adhere to the *Freedom of Information and Protection of Privacy Act (FIPPA)* and is responsible for responding to requests for access to records in accordance with that legislation. In 2005–06, the SIU responded to 21 such requests.

In addition to requests for information brought under *FIPPA*, the SIU regularly responds to requests for information from a variety of sources, such as:

- litigants involved in civil suits;
- the Coroner's Office;

- the Crown and/or accused in third party criminal proceedings;
- police services conducting investigations;
- those whose injuries are the subject of SIU investigations and their families;
- the families of persons whose deaths are the subject of SIU investigations; and
- insurance companies.

When the request comes from a party in a legal proceeding, the SIU will typically respond through the courts. Where someone personally touched by an SIU inv igation makes the request, there are policies in place at the SIU to ensure every accommodation is made within the law to address his/her particular interest. For example, it is SIU policy to keep complainants and families of deceased persons apprised of the progress of investigations, while also being vigilant not to disclose investigative information that could jeopardize the integrity of a case. At the end of each investigation where no charge is laid, efforts are made to meet with complainants and the families of deceased persons to discuss the findings reached by the Unit. Where a charge has been laid against an officer, the SIU must necessarily limit the amount of information it discloses in the interests of ensuring that the trial proceedings which are to follow are fair.

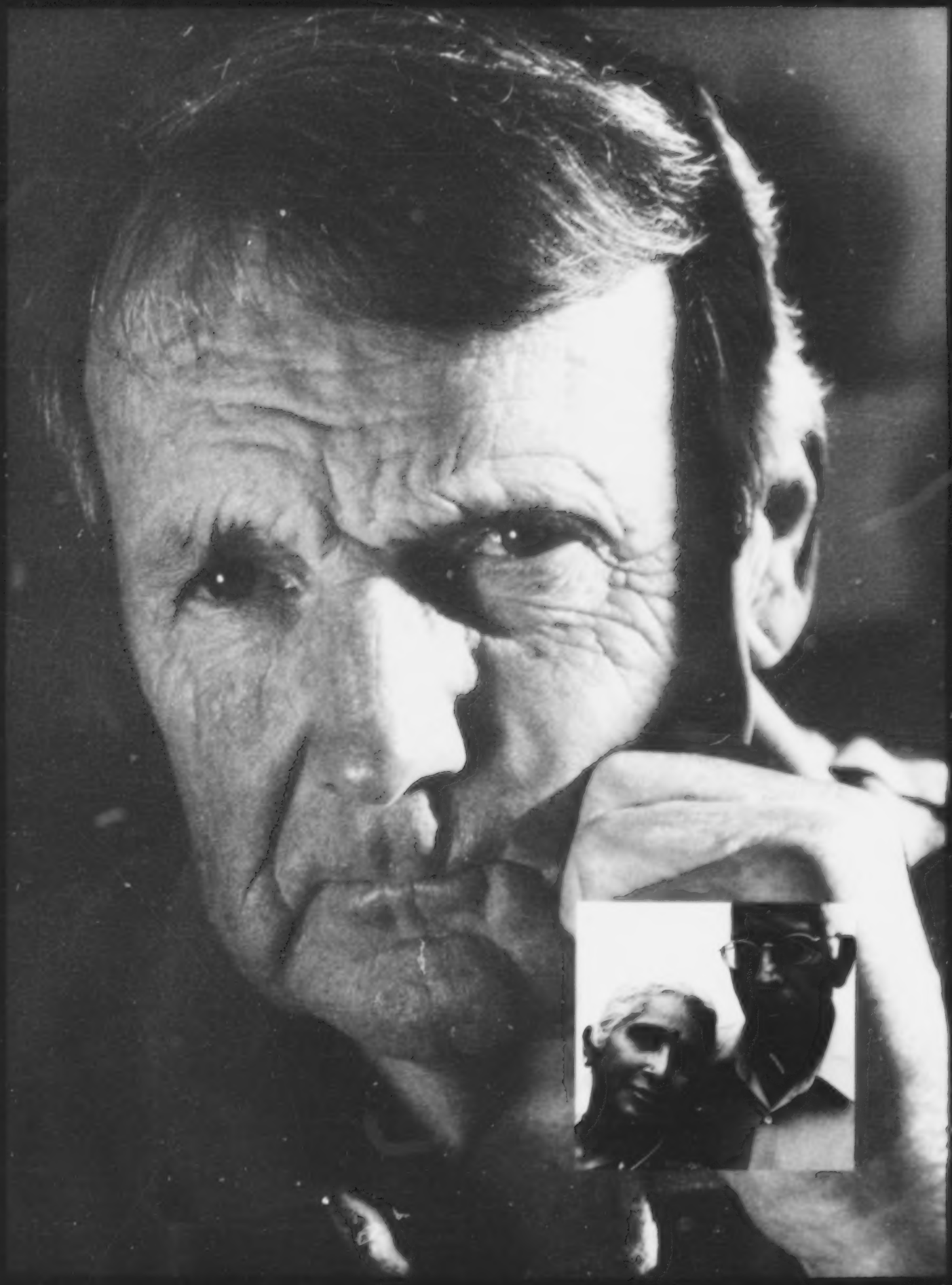
In every case, whether a *FIPPA* or non-*FIPPA* request, the SIU endeavours to provide as much information as possible in the interests of transparency and accountability to those it serves and the public, while protecting the independence of the Unit and the interests of witnesses who provide information to the SIU upon an assurance of confidentiality.

Privacy Protection

The administration of privacy protection laws can pose a challenge to SIU investigators. This includes protection of personal information held by governments, information related to commercial transactions, and perhaps most significant to the SIU, health information. After the introduction of the *Personal Health Information Protection Act*, the SIU encountered added difficulties in obtaining medical records related to injuries sustained by complainants or deceased persons. These records are always important, and sometimes crucial, to SIU investigations. For example:

- Critical information that potentially determines the jurisdiction of the SIU to investigate often rests with these records in so far as they reveal information about the nature and degree of the injury.
- They can provide definitive evidence about how an injury or death may have occurred, thereby assisting Unit investigators to understand witness statements.

Privacy laws, such as those that protect health information, contain clauses that allow information that would be otherwise protected to be released to law enforcement agencies like the SIU. This does not, however, ensure that information is shared with investigators, often because records custodians are unaware of the exemption clauses. For the most part, the SIU has successfully negotiated the release of the records on a case-by-case basis, by educating the relevant institution about the existence of the exemption clauses. For this purpose, in 2005-06 investigators began to carry with them a reference card that quotes the exemptions in a number of privacy Acts, so that such information can be shared with records custodians. At the same time, the SIU began a strategic effort to raise the level of awareness among sectors that possess personal information of the legal exemptions that permit them to share information with the SIU.



Part Two

THE YEAR IN REVIEW

This section focuses on the operations of the SIU from April 1, 2005 to March 31, 2006. It provides an overview of investigations, communications and stakeholder relations, training, human resources, and finances.

Occurrences

There were 204 occurrences investigated by the SIU in 2005-06, 67 more cases than in the previous year. The increase is largely due to an 85% increase in custody injury cases, which were slightly more than half of all occurrences. Firearm deaths remained at 8, as they were in 2004-05.

OCCURRENCES
April 1, 2005 - March 31, 2006

Type of Occurrences	Number
Firearm Deaths	8
Firearm Injuries	10
Custody Deaths	22
Custody Injuries	107
Other Injuries Death	0
Vehicle Deaths	9
Vehicle Injuries	25
Sexual Assault Complaints	23
Total Occurrences	204
Number of cases in which charges were laid	4
Number of officers charged	4

More complaints of sexual assaults were reported in 2005-06 than in previous years. This does not necessarily reflect an increase in incidents because, unlike other case types, sexual assault complaints are often reported some time after the incident is alleged to have taken place or not reported at all. For example, of those reported this year, 35% (eight) of them allegedly took place before April 1, 2005. Of those, five incidents were alleged to have taken place between one and four years earlier, and three of them, more than ten years earlier.

Charges were laid in four cases, two related to sexual assault allegations and two related to custody injuries. Comparative historical occurrence data can be found in Appendix A.

Appendix B is a list of occurrences by county and police service, allowing for comparison of incident rates against population and specific police services. In 2005-06, the regional incident rates were very closely aligned to the percent of Ontario's population in each region. The Eastern region was slightly underrepresented.

If, during the initial stage of an investigation, the facts establish that the incident does not fall within the SIU's jurisdiction, the Director is consulted and, as *appropriate*, will exercise his/her discretion to *terminate* the investigation. In 2005-06, a significant effort was made to quickly terminate those cases where there was obviously no police involvement or where the injuries did not meet the statutory mandate. Sixty-three of the total cases (30%) were terminated in this fashion. In the previous year, 25% of cases were terminated. Examples of terminated cases are described below:

- The SIU was notified by the police of an incident that resulted in an injury after officers responded to a call of a man barricaded at a home. Officers contained the area for three hours, and when the man leaned out of a window holding a rifle, an officer discharged his firearm and shot at the window. When the man was arrested, it was obvious that he had suffered an injury. He was taken to hospital where he was treated for a laceration to his arm. SIU investigators interviewed the treating physician and the injured man and confirmed the injury was not a gunshot wound but a

superficial laceration as a result of broken glass from the window. Based on the evidence, the Director of the SIU decided to terminate the investigation because of the absence of serious injury.

- The SIU was told about a confrontation between police officers and a man, during which the man suffered a laceration and damaged tendons in his wrist. The investigation determined that police responded to a report of an alleged assault on a security guard. Officers found the man hiding in a garbage bin and ordered him to come out. The man came out of the bin brandishing an exacto knife. He was pepper sprayed by police with no effect. Upon his arrest police took him to hospital for treatment of injuries. Based on the evidence, the SIU confirmed that his injuries were self-inflicted. Given that there was patently nothing further to investigate, the Director terminated the investigation.

Non-Jurisdictional Incidents

The SIU often receives requests to investigate incidents that are clearly outside its jurisdiction from the outset. In 2005-06, the Unit received 118 non-jurisdictional complaints, (32 from members of the public and 86 from the police), compared to the previous year in which there were 181 such complaints (154 from members of the public and 27 from the police). The data demonstrates the wide variations that occur from year to year. Where appropriate, these incidents are referred to other agencies. Examples of this year's non-jurisdictional incidents include:

- A man called the SIU to complain about the investigation that led to his arrest, given that he was subsequently found not guilty. The complainant was told that the incident was outside the jurisdiction of the SIU and to contact the police service.

Number of Non-Jurisdictional Incidents

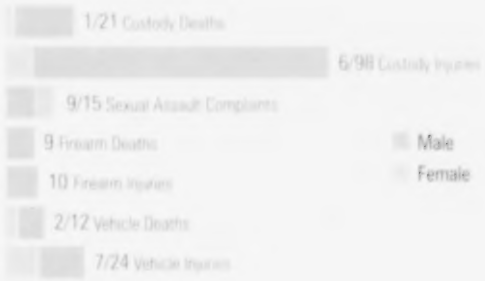
- A police service notified the SIU that an officer pursued a stolen vehicle, which hit a guardrail. The driver was taken to the police station where he complained of soreness. He was then taken to hospital, but subsequently released with no serious injuries. The police service was informed that the SIU would not be conducting an investigation because there was no serious injury.

Information about Complainants

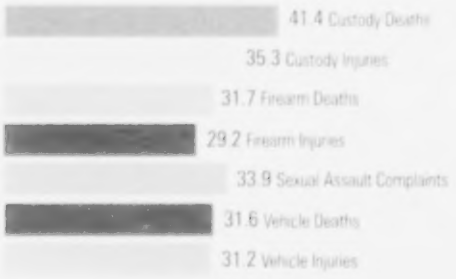
For the first time, the SIU is providing data about the complainants in its investigations. Complainants are those people who are directly involved in an incident and have been seriously injured or are deceased. There may be more than one complainant in an SIU case.

Ratio of Male to Female Complainants

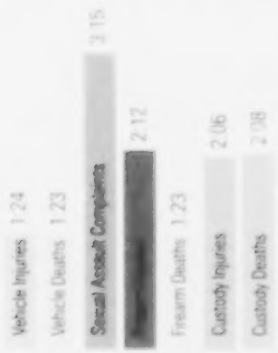
Number of Male and Female Complainants by Case Type



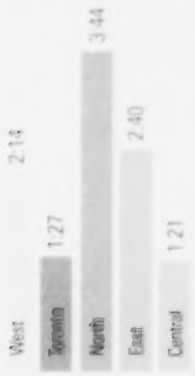
Complainant Average Age by Case Type (in years)



Average Response Time by Case Type (Hours)



Average Response Time by Region (Hours)

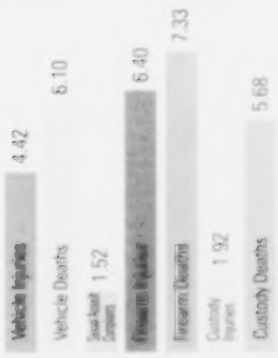


The SIU continues to report on the following performance measures: response time, deployment, and closure rate. The SIU also seeks qualitative feedback from police services through the case review process.

Initial Response

The SIU measures the time it takes investigators to arrive at an incident, and the number of investigators deployed. Speed of response can be important in some case types – in order to collect and secure physical evidence and to make contact with witnesses before they leave the scene. The initial deployment of investigators also correlates to case type.

Average Number of Investigators Dispatched by Case Type



Closure Rate

The closure rate refers to the length of time it takes from the date an incident is reported to the decision not to lay a charge. Cases in which charges are laid are not closed because further investigation and legal proceedings may take months or even years. The SIU has set an internal performance standard of closing 65% of its cases within 30 days. This standard has been met for the last five years, and in 2005-06, 68% of the Unit's cases were closed within 30 days.

The amount of time required for an investigation varies from case to case, according to the evidence that is available and the types of forensic examinations that are required. As mentioned in last year's report, the closure rate is an activity indicator that measures speed and efficiency but does not always objectively link with the overall quality of investigations or with the objective of the Unit, which is to ensure that the criminal law is applied appropriately to police conduct.

CLOSURE DATA
(Excluding 4 charge cases)

Total # of Cases*	176
Average # of days to close	25.51
# of cases closed within 30 days	10
% of cases closed within 30 days	67.61%

* For the purposes of this statistic, this number is less than the total cases/files investigated by the Unit. This is because files related to interventions not closed during the fiscal period were necessarily omitted from the analysis.

Case Reviews

In 2005-06, the SIU initiated 15 case reviews with police services across the province, and received eight responses. The purpose of these reviews is to attempt to ensure that the SIU is meeting its standards and to explore opportunities for improvement. During the first part of the review the police service completes a questionnaire about the Unit's performance. The questionnaire serves as a vehicle for police services and involved officers to provide their feedback. Based on the response, the SIU and the police service may then meet face to face to discuss specific issues that arose during the course of the investigation. These reviews may be initiated by the SIU or a police service.

> I am writing this letter to advise you that the manner in which your investigative team handled this investigation was appreciated here in London. Specifically during the interviewing of our officers, Investigator Pat Gauthier and Investigator Steve Gibbons handled themselves in a most professional manner throughout the interviews. The empathy that they demonstrated was greatly appreciated. Further, the fact that the Unit communicated to our members immediately once it was established that there was no wrongdoing on the part of any of our officers assisted greatly in allowing our involved officers to begin the healing process.
>
> While Associations can sometimes be quick to criticize the actions of the SIU, I felt it important that we should equally praise the Unit when praise is due. This is certainly the case regarding the actions of Investigators Gauthier and Gibbons."
>
> ***Excerpt from a letter from Dan Axford***
> ***Administrator of the London Police Association***
> ***July 22, 2005***

SIU *Case Studies*

The following cases illustrate the range and complexity of the work undertaken by the SIU. The information included in the case studies has already been released to the public and the corresponding news releases can be found on the SIU website by referring to the case number.

05-PCI-135

On September 1, 2005, the SIU was notified of a man who allegedly suffered a fracture to his wrist as a result of his arrest by members of the Elgin County Ontario Provincial Police (OPP) on August 28, 2005. The SIU assigned an investigator who designated two OPP members as subject officers and five as witness officers. In total, over 50 police and civilian witnesses were interviewed; however, recollections of the events varied greatly.

The incident took place in a crowded parking lot following a dance. The civilian witnesses painted a picture of happy-go-lucky partiers exiting the dance only to be confronted by antagonistic police officers. The police witnesses told of a huge, unruly crowd exiting the dance that they believed could become a danger to the public peace.

The SIU investigation assessed the evidence that related to the injuries suffered by the man. Based on the evidence collected during the course of the SIU investigation, the Director concluded that the subject officers acted with necessary force to disperse the crowd. The amount of force used in the arrest was the matter of some dispute and the injury could have been sustained as the complainant fell to the ground when he was arrested or when he punched the inside of the prisoner van in which he was held after his arrest. The Director concluded that neither of these scenarios supported the notion that any officer unlawfully caused the man's injury.

05-CVD-123

On the afternoon of August 17, 2005, London Police Service (LPS) officers responded to a robbery and soon became involved in a high-speed pursuit of a stolen SUV through the City of London and on Highway 402. As the LPS pursued the stolen vehicle, one of the SUV's occupants stood up through the open sunroof and began firing a rifle at police and civilians. Ultimately, the SUV sideswiped a truck, lost control and flipped into a ditch. All four occupants in the SUV were ejected. Two of the men died, while the other two men received non-life threatening injuries.

The SIU designated one subject and nine witness officers and interviewed over 20 civilian witnesses. Forensic identification technicians photographed, videotaped and mapped the collision scene and examined the severely damaged SUV and the cruisers involved in the pursuit. The Director concluded that the officers involved had the authority to pursue the SUV and the duty to apprehend the occupants of the SUV. He determined that the deaths and injuries caused by this crash were not attributable to any unlawful conduct by the police.

SIU *Case Studies*

06-BFD-043

The SIU was notified that two members of the Brantford Police Service had fatally shot a man on Saturday, March 18, 2006.

As part of the probe, the SIU designated two subject officers and one witness officer. Investigators also attended the post-mortem examination, which concluded that the man died from two gunshot wounds to the chest.

The investigation determined that two officers arrived at a home in Brantford and found the man in the bathroom, holding his estranged wife hostage with a knife to her throat. The man was also suspected of just having killed his young son and injuring a woman and her child. When confronted by the officers, the man refused to give up and release his estranged spouse. The officers fired two shots each, fatally striking the man.

Based on all the evidence, the Director concluded that the officers acted according to their duty and that the shooting was legally justified. The Director believed the officers saved the woman's life because had they not fired, the man would have killed her.

06-[illegible]-016

On January 25, 2006, seven investigators, including three forensic identification technicians from the SIU, were sent to investigate a police shooting involving members of the St. Thomas Police Service.

The investigation determined that police officers had responded to a fatal shooting at a bar. Upon their arrival, the officers were given a description of the suspect who had fled on foot. Two officers in marked cruisers found the man and noticed he was holding a handgun. They confronted him.

One officer left his cruiser to seek cover while the other officer fired four times at the man. The shots seemed to have no effect and the man started to walk away from the officers. A number of officers shouted commands and when the man still did not comply, one officer fired another shot. When that round seemed to have no effect, the officer fired two more times. The man was struck, fell to the ground, and dropped the gun. His injuries were not life threatening.

The Director concluded that the officers were faced with a potentially lethal situation and were fully justified in meeting the threat with deadly force.

[illegible]-BFD-[illegible]

On July 1, 2005, the SIU was sent to examine the nature and extent of police involvement in the death of a man. Niagara Regional Police Service (NRPS) officers had attempted to arrest the man following a series of home invasions. During a violent struggle, the police used a TASER and pepper spray to try to gain control of the man. He went into medical distress and died shortly thereafter.

Eight SIU investigators, including forensic identification technicians, were assigned to investigate the circumstances of this man's death. As part of the probe, the SIU designated three subject officers from the NRPS. The SIU collected and examined items such as the subject officers' equipment, including an X-26 TASER, and the NRPS's policies on use of force and use of the TASER. Investigators interviewed 20 police and civilian witnesses. Forensic identification technicians analyzed the arrest area and collected a number of biological samples. In addition, the homes that the man had entered during this incident were measured and mapped.

The Director concluded that the man's death could not be attributed to the use of the TASER or to the force used by the police.

On June 19, 2005, the SIU began an investigation into the circumstances of a pursuit involving a Niagara Regional Police Service (NRPS) officer that ended in a collision where five civilians were injured, three of them seriously.

The SIU assigned one investigator, a collision reconstructionist and three forensic identification technicians to the case. Investigators examined the collision scene and canvassed the area for witnesses. The police vehicle and the two civilian cars were examined and medical records were reviewed.

The investigation determined that an NRPS officer was conducting routine radar patrol on Webber Road in Pelham when he noticed that the driver of a Toyota was weaving erratically and driving at a high rate of speed. The officer activated his lights and began a pursuit of the Toyota. At the intersection of Webber Road and Church Street, the driver crossed into the oncoming lane and struck an SUV. The Toyota burst into flames and the officer tended to the injured occupants in the Toyota and the SUV.

The Director concluded that the subject officer was not criminally responsible for the collision.

On October 2, 2005, Ontario Provincial Police officers detained a man in a field adjacent to Highway 3 in Cayuga. During the course of the detention, the man suffered a fractured cheekbone and a concussion. The police released the man unconditionally.

The following day, the OPP became aware of the extent of the man's injuries and notified the SIU. The SIU dispatched four investigators who interviewed police and civilian witnesses, examined and photographed the arrest scene and collected and examined the physical evidence.

Based on the results of the SIU investigation, the Director concluded that there were reasonable grounds to believe that the subject officer committed the offence of assault causing bodily harm, contrary to section 267(b) of the *Criminal Code of Canada*. The case is presently before the courts.

COMMUNICATIONS AND STAKEHOLDER RELATIONS

The SIU develops understanding through outreach and this continued to be a priority for the Unit during 2005-06. The SIU demonstrated its commitment to developing and using mechanisms that facilitate relationships and learning between staff and members of key stakeholder groups. These groups include police services, community organizations, and other civilian oversight agencies. In 2005-06, two new outreach initiatives were launched to address the unique needs of First Nations and people affected by SIU investigations. The map below shows the locations of SIU outreach activities. Additional detail is provided in the charts and descriptions that follow.

Outreach Objectives:

- Educate and increase understanding of the role of the SIU, enhance its credibility, and promote a positive image so that the public can recognize the SIU as a reliable public institution.
- Educate and provide support capability for those affected by our investigations.
- Raise overall awareness of the existence of the SIU.

Connecting to the Police Community Presentations in 2005-2006

- Ontario Police College recruits and front line supervisors: *Aylmer, Hamilton, Ottawa, Peel, Thunder Bay, York, Halton*
- Rotman School of Management: *Toronto*
- Sudbury and area police services: *Sudbury*
- Blue Line Trade Show: *Markham*
- Toronto Police Association: *Toronto*
- Ontario Provincial Police Corporate Services: *Orillia*
- Ontario Association Chiefs of Police/Ontario Media Relations Officers Network/Ontario Police College Media Relations Course: *Oshawa*
- Canadian Association Chiefs of Police Trade Show: *Ottawa*
- Meeting with First Nations Chiefs of Police: *British Columbia*
- Kawartha Police Retiree Association: *Peterborough*
- Guelph Police media training course: *Guelph*
- London Police Service: *London*
- Canadian Critical Incident Conference: *Whitby*
- Barrie Police Service: *Barrie*
- Durham Regional Police Service: *Durham*
- Brantford Police Service: *Brantford*
- Police Association of Ontario Executive Board meeting: *Niagara*

The SIU uses a variety of vehicles to foster understanding and strong working relationships with the various police communities. In addition to the case review process described in the previous section, SIU staff routinely participate in training for new recruits and front line officers of Ontario's police services, visit police services, and make presentations about the mandate and role of the SIU in a variety of policing forums. The SIU has set a goal to speak with every front line officer serving in Ontario.

For instance, the SIU seizes every opportunity to present information about the organization and its role at training programs of the Ontario Police College (OPC). In 2005-06, SIU supervisors participated in 19 training programs, speaking with recruits and front line supervisors to raise

awareness about the work of the SIU, distribute information pamphlets and hear first hand officers' questions and concerns.

SIU supervisors also designed a series of presentations to meet the unique needs of front line officers who, typically, are most likely to be designated as subject and witness officers during the course of an SIU investigation. Nine presentations were given to officers with the London and Barrie Police Services as part of their annual training programs. These presentations provide information about the Unit's role, how it conducts investigations, and what officers can expect should they be designated. This in turn provides greater certainty, which may also reduce the stress experienced by officers if they are involved in an incident that is the subject of an SIU investigation. A number of other police services have expressed interest in this outreach program and the SIU will expand it next year.

Connecting with the Public
Presentations in 2005-2006

- Our Lady of Peace School: *Peel*
- Aboriginal Legal Clinic: *Toronto*
- Nishnawbee Aski Nation: *Toronto, Thunder Bay*
- University of Toronto: *Toronto*
- University of Ontario Institute of Technology: *Oshawa*
- Conestoga College: *Kitchener/Waterloo*
- Burlington Rotary Club: *Burlington*
- Law in the Mall: *North York*
- Humber College: *Toronto*
- George Harvey High School: *Toronto*
- Carleton University: *Ottawa*
- Manitoba Metis Federation: *Winnipeg*
- Native Canadian Centre: *Toronto*
- York University: *North York*
- Community presentation in Scadding Court: *Toronto*
- SOLE Alternate School: *Toronto*

The Unit also continued in its efforts to build understanding with the broader community, which includes community groups, justice officials (Crown Attorneys, the judiciary, defence counsel, Coroner's Office), other oversight bodies, the media and members of the public.

It continues to be a challenge to link with certain communities, particularly at the grassroots level, and among northern communities and organizations. The SIU did, however, make much progress in 2005-06 by taking a proactive approach and making the best use of existing resources to connect with members of the community. This included:

- Updating and translating SIU information materials into 22 different languages to facilitate a connection with the Unit's diverse stakeholders;
- Identifying community 'connectors' such as cultural leaders and front line intake workers in legal aid clinics and in the mental health care sector;
- Attending seven Coroner's inquests and pre-inquest meetings in 2005-06. This allowed SIU staff to be of assistance, as required,to the Coroner's counsel and to family members of the deceased who were also in attendance;
- Leveraging existing relationships by asking for help to identify occasions at which staff could make presentations about the mandate and work of the SIU. Staff also continued to meet any request for a presentation to those in the non-police community, particularly to students enrolled in justice programs at various academic institutions.

Director's Resource Committee

The Director's Resource Committee (DRC) is a formal mechanism for information exchange and dialogue between the SIU and representatives of various cultural communities who are interested in the work of the Unit. The committee

met in May 2005 and February 2006. There was a renewed sense of focus during the meetings, with the addition of three new committee members and a new agenda format with standing items.

In addition to other priorities, committee members have agreed that outreach is of critical importance. One committee member strongly encouraged the allocation of a dedicated outreach budget to reflect this priority. In response, the SIU created a new internal cost centre dedicated to outreach activities for the upcoming year, on the understanding that outreach activities would not be budget driven.

Committee members were asked for help with the SIU's outreach efforts in identifying opportunities to raise the SIU's profile. As a direct result of committee members' suggestions, the SIU engaged in cross-cultural training with the Jewish community in the Greater Toronto Area, and with the Settlement and Integration Service Organization (SISO), a Hamilton-based organization that provides services to assist newcomers. At one committee member's suggestion, SIU representatives attended sensitivity training on the customs and practices of Aboriginal people, particularly on how that community deals with death. An SIU contingent also attended the presentation by the Chiefs of Ontario at the Ipperwash Inquiry. This is also discussed in the First Nation Liaison Program section.

A subcommittee of the DRC was formed to examine Justice LeSage's report on the police complaints system in Ontario and the possible reform of that system. The subcommittee is chaired by the SIU's legal counsel and consists of four DRC members. Since the introduction of Bill 103, which proposes to reform Ontario's police complaints system, the subcommittee's focus has shifted to examine the possible impacts the new legislation may have on the SIU, and on the SIU's relationship with the impending office of the Independent Police Review Director. Any recommendations arising from the subcommittee's work will be reviewed by the full DRC and may, at their discretion, be submitted to the Legislature's Standing Committee on Justice Policy for its consideration as it reviews Bill 103. It is important to remember in all this that the DRC is not a mouthpiece for the SIU. To the contrary, the strength of the DRC's work in this, as in other matters, is the fact that it represents the collective views of the diverse community groups it represents. Accordingly, the views of the DRC should not be taken as the views of the SIU.

Civilian Oversight Community

The SIU is a member of the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE). The Director and three SIU staff members attended the 2005 Conference in Montreal, at which the national and international oversight community convened to consider topical and challenging issues in the world of police oversight. The SIU contributed to the conference by leading a plenary session on performance measurement in civilian oversight.

First Nations Policy and Liaison

The Honourable George Adams, the author of two reviews of the SIU, recognized the unique status of First Nations and identified the need for the SIU to address the particular interests of these communities. In 2005 - 06, the SIU focused on the further development of its relationships with First Nations communities, police services, and people in response to concerns raised by First Nations leaders in Ontario.

1st Person Perspective - First Nations Liaison, Dean Seymour

There has been a great deal of development on the First Nations front at the SIU in the past fiscal year. For the first time in the history of the SIU, the Director has created the 'First Nations Liaison' position. In its broadest sense, the purpose of the First Nations liaison capability will be to facilitate the optimal discharge of the SIU mandate with respect to operational and non-operational matters involving and/or impacting First Nations persons or interests.

As a First Nations member, I am proud to be involved as a SIU First Nations Liaison. I feel that my presence can assist SIU investigations by getting input from First Nations communities and members, who may otherwise not provide it. Understanding the communities has assisted me with ensuring SIU investigations are rolled out smoothly and in keeping with established investigative standards.

I realize that the position comes with many internal and external challenges. I am up for the task and look forward to developing a First Nations Liaison program that is respected by all stakeholders.

The *First Nations Liaison Program* was designed to address the unique needs and concerns of First Nations communities and complainants. It was developed through discussions with First Nations leadership, including Grand Chief Stan Beardy and the Chiefs of Ontario. It became operational in January 2006. The liaison function is currently being performed by a full-time and an as needed investigator, Dean Seymour and Wes Luloff, both of whom are of Aboriginal heritage. The program has several components, which are described below.

Investigations

Whenever possible, the First Nations Liaison leads or participates in investigations involving or having an impact upon First Nations people or communities. While still in its infancy, the program contributed constructively to several investigations – there were twelve involving First Nations people in 2005-06. As well as carrying out the duties of an investigator, the Liaison may be the principal contact with First Nations people, organizations and communities during the course of an investigation. The Liaison also provides advice about investigative considerations and the significance of evidence to the supervisors or the Director.

To support the work of the SIU in this area, an Aboriginal-oriented cultural and racial sensitivity training program is under development. As well, policy changes have been, and will be, required to support progress in this area. For example, in 2005-2006, a protocol was developed between the SIU and Aboriginal Legal Services of Toronto, through which it was agreed that the SIU would notify this legal clinic of all SIU cases involving a First Nations complainant or deceased person. The goal is to put the clinic in a position to offer its legal services to First Nations people involved in SIU investigations, both during and after the SIU investigation.

Outreach

In addition to investigations, the First Nations Liaison is engaged in strategic outreach to First Nations people, organizations and communities. In 2005-06, there was dialogue with the Nishnawbe-Aski Nation (NAN) in an effort to develop an ongoing relationship and provide opportunities to assess progress. Presentations about the role of the SIU were also made to Northern communities including First Nations.

Aboriginal Legal Services of Toronto is represented on the

SIU Director's Resource Committee and, through that forum, advises the SIU with respect to First Nations issues and concerns on the issue of police oversight. They have been helpful in identifying outreach opportunities to First Nations communities.

The SIU continued to monitor the proceedings of the Ipperwash Commission of Inquiry. In March 2006, senior management and several investigators attended a Special Assembly sponsored by the Chiefs of Ontario during Part Two of the Commission of Inquiry. A number of issues were discussed, ranging from the historical contributors to situations like the occupation of Ipperwash Provincial Park, through to how the police could better manage their responses to similar situations in future.

The SIU agreed to facilitate research sponsored by the Ipperwash Commission of Inquiry, in conjunction with the University of Toronto. The purpose of the study was to examine the question of the use of force in Ontario by police officers and the context in which it occurs, particularly in relation to various cultural communities. The SIU provided limited access to the information contained in approximately 1000 files to allow for data collection about the demographic characteristics of citizens involved in its investigations and the circumstances of the event. The information gained from this project will not only contribute to the U of T study, but also provides an opportunity for the SIU to gain further insight into cases and case statistics for its own use.

The First Nations Liaison initiative has received positive feedback from First Nations leadership and the SIU appreciates their demonstrated resolve and assistance in ensuring a healthy and constructive relationship develops between the SIU and the First Nations of this province. In particular, Grand Chief Stan Beardy of Nishnawbe-Aski Nation has been instrumental in the initiation and development of this program. The SIU will continue to solicit and receive feedback from First Nations leadership about how to make improvements.

SIU Director's Resource Committee

TRAINING

In his review reports, the Honourable George Adams spoke about the continued importance of training and commended the SIU for its training program. Investigations are the core business of the Unit and the SIU is committed to a training program that meets and exceeds prescribed provincial investigative standards for law enforcement personnel.

The Unit's Training Coordinator is responsible for designing and implementing a strategy that covers a broad range of training needs and topics. He identifies training requirements, assesses individual staff training needs, and develops training standards. As well, the Coordinator evaluates training opportunities and resources locally, nationally and internationally to determine whether they will meet the needs of the SIU. He chairs the internal Education Advisory Committee, which provides suggestions and input for the development of quarterly training sessions and, as required, for other training-related matters. The Committee is comprised of six SIU members who met together four times in 2005-06.

1st Person Perspective - Training Coordinator, Glenn Stevens

I joined the SIU team in April of 2005 and my first task was to arrange all facets of the Unit's Quarterly Training Seminar, scheduled for June. I had no previous experience coordinating the logistical requirements of such an event, but the seminar was a success, thanks to the support I received from my peers and the management team at the SIU.

I work closely with all staff in an effort to maximize not only the effectiveness of the Training Department, but that of each individual's performance. A product of this collaborative effort was the development of a workshop highlighting the values enshrined in the revised Investigator's Creed. (See page 6)

On a personal note, I am nearing completion of the requirements for a Certificate in Adult Education which provides the theoretical foundation for designing and delivering training programs, and which I expect to have completed by the year's end. It is my desire to continue to support the Unit's vision of ensuring that all of its members receive pertinent training that promotes both personal and organizational development. This will continue to be accomplished by providing opportunities that connect our staff to experts in the fields of investigations and forensics.

A flexible and committed training philosophy will support the goals of the organization, and enable the SIU to maintain its reputation as a world leader in civilian oversight.

Internal Training

In September 2005, the SIU welcomed one full-time and three as needed investigators. These investigators attended a five-day training program designed to orient them to the mandate of the SIU, its investigative standards and operating procedures. This orientation program is augmented by attendance at courses offered by the Ontario Police College, according to the needs of each new staff member.

The Unit continued to hold quarterly Investigator Training Seminars for all SIU investigators across the province. The purpose of the seminars is to apprise all investigative staff of any new forensic, investigative or legal developments. It is facilitated by SIU managers and external subject matter experts. Each training session has, as an integral element, two other aspects. There is time devoted to cultural sensitivity and awareness and a workshop or presentation on staff wellness. Additionally, all forensic identification technicians remain on site for an extra day of forensic training. Some topics in the past year included Sokkia Total Station training, as well as the Austech Evidence Scanning System.

As well, management and all full-time investigative staff attended an internal two-day workshop on dealing effectively with the media during the month of November. The training gave an overview of media relations and provided practical tips and techniques on how to field media inquiries and effectively participate in interviews. The session concluded with a scenario-based exercise, which required participants to engage in on-camera interviews. The Unit subsequently implemented a new media relations policy, which decentralizes the role of the SIU's spokesperson and allows for full-time investigative staff to speak with reporters during the initial stages of an SIU investigation in certain situations.

External training

In order to ensure that the professional investigative standards of the SIU are maintained at a high level, Unit staff attended external courses that are captured in the charts below.

INVESTIGATIVE AND FORENSIC STAFF TRAINING

EXTERNAL TRAINING

- Canadian Association of Technical Accident Investigators and Reconstructionists (C.A.T.A.I.R.) Course
- Ontario Crown Counsel Association Homicide Course
- 12th Annual Sex Crimes Conference
- Frances Glessner Lee Homicide
- Death and Dying (Aboriginal perspective)
- 20th Annual Forensic Identification Training Conference
- Applied Forensic Videography
- Basic Bloodstain Pattern Recognition
- Bloodstain Pattern Analyst Understudy Program
- Clandestine Laboratory Awareness for Emergency Personnel
- DNA Data Sample and Collection
- General Investigative Techniques
- Homicide Investigation
- Investigative Interviewing
- Math and Physics for Basic Bloodstain Pattern Recognition
- Reid Interview and Interrogation
- Media Relations

QUARTERLY TRAINING

- A Survivor's Perspective on Prostitution
- Clandestine Laboratories
- Cultural Diversity
- Decision Making
- Defense Lawyers Panel
- Enabling the Investigator's Creed
- Gun and Gang Task Force
- Health and Wellness
- Interviewing Children
- OPP In-car Video Pilot Project
- Peer Case Reviews
- Preparation of Crown Briefs
- Sexual Assualt Investigations
- The Justice LeSage Review
- Tunnel Vision/Group Think
- Values and Ethics
- Presentation on TASERS

MANAGEMENT AND ADMINISTRATIVE TRAINING

MANAGEMENT TRAINING

- 2004 Constitutional Cases
- Police Leadership Program at the Rotman School of Business
- Dealing with Performance Issues
- Strategic and Crises Communications
- FBI National Academy Associates National Training Conference
- Generating More Ideas from Employees: Organizing the Process
- C.A.C.O.L.E. Conference
- 5th Annual Professional Standards Course
- Performance Measures Workshop
- Introduction to Government Accounting
- Centre for Leadership Courses
- Managing chance
- Advanced Web Search Strategies
- Guelph Leadership Dialogue with Secretary of the Cabinet, Tony Dean

ADMINISTRATIVE TRAINING

- Integrated Financial Information System Training
- Strategic Communications: An Essential Skill
- Access and Privacy
- How to Design Newsletters/Brochures/Ads/Catalogues/Reports/ Presentation Materials
- Excel Level 2
- Handling Difficult and Demanding Customers
- CPIC Query/Narrative
- Introduction to Internet Communication
- 8 Step Editing

SIU AED Initiative

As part of its commitment to staff wellness and safety, the management of the SIU acquired an Automated External Defibrillator (AED). With the acquisition of the AED, the SIU was chosen to be the pilot site for the Ministry of the Attorney General. Eight staff members received AED, CPR and First Aid training. Plans are to expand the number of trained responders in the fall of 2006.

The Special Investigations Unit (SIU) has recently become the first Ministry of the Attorney General (MAG) workplace to take part in an automatic external defibrillator (AED) pilot program. The SIU team is working closely with Toronto EMS (Cardiac Safe City) and the Occupational Health and Safety Unit in the Human Resources Branch to establish their pilot program. Setting up a program includes a site assessment, medical oversight, one or more AED units, an emergency plan, a response team and a quality assurance component that includes regular training and quality checks on the equipment. Congratulations to the SIU in being MAG leaders on this initiative.

In Focus, Issue 13, May 2006

Training Expenditures - $289,555

Staff time spent participating in training was a total of 712 days, and expenditures were 5.3% of the SIU's total budget.

Direct Course Costs	$72,940
Travel related to training	$54,049
Salary costs for training days	$99,074
Training Coordination	$63,492
TOTAL	**$289,555**

HUMAN RESOURCES and SIU INFRASTRUCTURE

The SIU staff complement was 64 in 2005-06, organized as shown in the chart below.

SIU Organizational Structure
*As of March 31, 2006

Recruitment

Eleven staff members were recruited in the past year: a training coordinator, affected persons coordinator, two administrative personnel and one full-time and six as needed investigators.

Diversity

In order to reach its goal of a more diverse workforce, the Unit used creative means to expand the area of search for qualified candidates. This included attending job fairs, advertising in specific community newspapers and requesting assistance from the Director's Resource Committee members to encourage interested and qualified individuals within their communities to apply for positions at the SIU. The hiring of a full-time investigator in July 2005 was a direct result of the SIU's presence at the Humber College/Association of Black Law Enforcers job fair.

Until recently, it was left to the investigators to provide support services to those people involved in and affected by SIU investigations. This function was performed in addition to their investigative responsibilities. Both the Honourable George Adams and more recently, the Director of the SIU, recognized that all parties would benefit if a dedicated support service were provided for affected persons. This would allow

investigators to focus on the investigation, and deepen the level of service that the SIU could provide to people touched by SIU investigations.

As a result, the SIU worked with the Victim's Services Unit of the Ministry of the Attorney General to develop an Affected Persons service. The SIU received funding support from the Ministry for this initiative, the Affected Persons Coordinator was hired and the program is now underway.

The role of the Coordinator is to liaise with investigators to see if she can be of assistance to complainants and/or affected families to support them through the investigative process. She assesses the needs of the affected person and, should they wish, refers them to a range of services such as short-term crisis and grief counselling, assists them through the investigative process, and relays questions and answers to and from the investigators that are not case related.

In some cases, the Coordinator may go beyond assisting the affected person in dealing with the after effects of the incident in which the SIU was involved and refer people to longer term resources such as counselling, support groups, and drug and alcohol rehabilitation programs. This intervention should demonstrably improve the affected person's ability to participate in investigations and allow the investigators some distance from the emotional impact of the incident. Investigative supervisors determine when the Coordinator's services – she is available 24 hours a day and 7 days a week are needed.

The Affected Persons Coordinator also participates in public education and outreach activities to various groups, including mental health organizations and Victim's Services Units. The goal of these presentations is to connect with intake workers

1st Person Perspective - Affected Persons Coordinator, Jan Reynolds

As the newest member to join the SIU, I am very excited to have the opportunity to provide services to people who have been affected by incidents under investigation by the SIU.

In the short time that I have been in this position it is possible to see how it allows investigators to concentrate on the investigation, while providing a higher level of service and referral to those who are affected.

My role is different in every case as I respond to the unique needs of each person. One of my chief duties is to provide information and referral to crisis and support services. To assist with this, I will develop an Ontario database of services and support resources which will shorten the time it takes for affected persons to connect with the ongoing assistance that they require, which can range from trauma/grief counselling to drug rehabilitation placements.

I plan to be involved in public education forums, providing information about this role and its importance by communicating with, and supporting people who are affected by SIU investigations.

to provide information on the role and mandate of the SIU's Affected Persons service.

The Unit investigates occurrences across the province so in addition to its ten full-time investigators, the SIU employs investigators who are stationed across Ontario and equipped to respond on an as needed basis when an incident occurs. In 2005-06, there were 11 as needed investigators in the central region to support the high caseload (over 50% of the SIU's cases are in central region, including Toronto) and an additional 14 were spread across Ontario.

The SIU tracks the number of cases by location to help determine where future as needed investigators will be required. Recruiting and managing the complement of as needed investigators can be challenging. A significant percentage of candidates are former police officers however, the *Police Services Act* states that an SIU investigator cannot participate in an investigation involving a force to which that he or she once belonged. This can be restrictive when looking for qualified candidates who would be eligible to investigate the local police services in smaller regional areas where the SIU requires an investigator.

The Excelsior Awards are given annually by the Ministry of the Attorney General in recognition of excellence in public service. In 2005-06, one staff member and the investigative team received the Excelsior Award.

Trish Waters, Administrative Manager

A 20-year veteran of the Ontario Public Service, Trish has been with the SIU since its formation in 1990. Her enthusiasm for the Unit's work and her expertise in public sector administration create an environment of inspiring leadership that achieves significant results. Trish capitalizes on the strengths of her staff, supporting opportunities for learning. Members of her team never feel they are pigeon-holed in their position, but feel instead that advancement possibilities are endless. A skilled communicator, Trish makes certain that staff has been apprised of policy changes and she is open for consultations. She is part of the team, not just the leader, stepping in to help out wherever necessary – no task is too big or too small. Trish actively participated in the "Bring Your Kids to Work Day", sharing her experiences working in the justice system and arranging a tour of the Centre of Forensic Sciences for the students. Trish's hands-on approach has fostered a team atmosphere of openness and excellence.

Full-time Investigative Staff of the SIU (Jim Chapman, Bill Curtis, Steve Gibbons, Oliver Gordon, Rob Hughes, John Line, Dave Matteson, Reg McKeen, Mike McKinnon, Carm Piro, Dean Seymour, Len Shaw, Ruth Syska, Rob Watters, Derrick Wide, Keith Woods)

The SIU has achieved international recognition as a civilian oversight body that provides fair and independent investigations of the actions of police. The investigative staff is the backbone of the Unit, conducting investigations that are professional, thorough and timely. The investigators' commitment to continuous skills improvement and an average of 29 years investigative experience contribute to the SIU's reputation and make this one of the most experienced criminal investigative units in North America. All investigations rely on the interaction of many agencies, including forensics, police and the coroner's office.

Throughout the years, the SIU has become more accessible to its stakeholders and the public. All full-time investigators and supervisors are now authorized to provide members of the media with appropriate information at the scene. Investigative staff has also been instrumental in the success of the SIU's outreach efforts, which have recently expanded. For example, they speak regularly to officers at the Ontario Police College to foster a better understanding of the SIU. Through their efforts, the Unit's relationships with its stakeholders have improved considerably, with all sides working towards the same result: fair and independent investigations into the actions of the police.

All Ontario government agencies are required to have emergency management programs. The SIU has designated a lead person who coordinates the preparation of the emergency management plan, which includes the identification and investment in, equipment and supplies to support the plan. The plan is under development and will be submitted to the Emergency Management Program Committee for review and approval in the fall of 2006.

FINANCIAL EXPENDITURES

For the year ended March 31, 2006 the total annual expenditures were $5,408,779

2005-06 Expenditures

Salaries & Wages	$3,789,236 70%
Benefits	$461,292 9%
Transportation & Communication	$389,553 7%
Services	$366,074 7%
Supplies & Equipment	$402,624 7%
TOTAL	**$5,408,779**

Expenditures by Section

Investigative Services	$3,197,942 59%
Office of the Director	$625,317 12%
Communications	$171,596 3%
Administrative Services	$546,672 10%
Identification Services	$867,252 16%
TOTAL	**$5,408,779**

*Inconsistencies in total percentages are due to rounding.

Investigative and Forensic Identification Services include expenditures related to the effective administration cases. These expenditures include but are not limited to: transcription and document processing services, telecommunications, travel, and fleet and information and technology

Part Three

LOOKING FORWARD

During the coming year, the SIU will continue to foster stronger connections with stakeholders, while maintaining its commitment to professional and efficient operations through training, research, and improved planning and performance measurement.

Planning and Performance Measurement

The SIU will adopt an integrated approach to planning and performance measurement, using tools such as the Balanced Scorecard. This will help the SIU to set, develop and link its mission, vision, and values to a set of goals, and enhance communication about the Unit's purpose and progress in meeting its goals. This approach will guide the development of new training standards and assist in the development of new operations policies. The SIU will continue to report on the activity indicators developed in the late 1990's as performance benchmarks until such time that new ones have been developed, consulted upon, and approved by the Management Board Secretariat.

The SIU will also continue to cooperate in research studies that are expected to be completed in 2006-07. This work will help increase understanding of the context of the incidents that the SIU investigates. Research on police shootings, particularly in the area of "officer-assisted suicide", is one such project. It includes a comparison of police shootings in Ontario and other jurisdictions, including Los Angeles county. Another study arises from the work of the Ipperwash Inquiry and includes an analysis of the age, gender, and race of complainants, to the extent that this data is available.

Outreach

In the coming year, the Unit will continue to enhance and reinforce its outreach efforts to ensure its legitimacy in the eyes of the public. The SIU recognizes outreach both as a long-term goal and a continuing endeavour and will dedicate resources to raise the overall profile of the SIU in Ontario.

As well, the First Nations Liaison Program will evolve, with efforts to increase awareness about the SIU and its work among First Nations and other communities in the North. A cultural competency training program that focuses on Aboriginal cultures is under development for SIU investigators, and the Unit will meet with First Nations leadership at regular intervals to measure progress.

The SIU will also reach out to build constructive relationships through presentations and joint training sessions. In the coming year, new inroads will be made in connecting with those working in the mental health field. Work will also continue with the legal aid community and outreach will be initiated with justice diversion programs.

It is expected that 2006-07 will see the appointment of the Independent Police Review Director. The SIU will work with the new agency, to develop collegial working relationships and address any operational challenges as they arise.

Creating and strengthening connections with stakeholders will continue to be a focus in the coming year. The SIU will persist in its outreach efforts and strategically focus resources on sectors, areas or communities where these efforts will have the greatest impact. As always, the SIU will seek to meet the needs of the diverse stakeholders. The Unit is committed to providing the people of Ontario with high quality, independent investigations, all the while seeking new ways to ensure that the citizens of Ontario are aware of who the SIU is, the work it does, and the legal context within which the Unit works.

APPENDIX A:

SIU Occurrences - April 1, 1995 to March 31, 2006

Type of Occurrences	95 - 96	96 - 97	97 - 98	98 - 99	99 - 00	00 - 01	01 - 02	02 - 03	03 - 04	04 - 05	05 - 06
Firearm Deaths	4	9	4	1	3	5	4	1	2	8	8
Firearm Injuries	16	12	10	9	8	8	5	9	8	4	10
Custody Deaths	24	24	12	18	21	18	19	17	26	15	22
Custody Injuries	54	42	52	65	60	85	75	86	90	58	107
Other Injuries/Deaths	n/a	n/a	n/a	n/a	1	2	1	1	0	2	0
Vehicle Deaths	6	8	5	12	10	8	12	7	9	9	9
Vehicle Injuries	55	57	56	64	43	36	31	21	41	30	25
Sexual Assault Complaints	9	8	9	11	10	15	15	9	16	11	23
TOTALS	168	160	148	180	156	177	162	151	192	137	204
Number of cases in which charges laid (number of officers charged)	4	3	2	3(6)	6(6)	5(9)	4(5)	4(4)	2(2)	3(4)	4(4)

Case Closure Statistics

	2001-02 Excluding 4 charge cases	2002-03 Excluding 4 charge cases	2003-04 Excluding 2 charge cases	2004-05 Excluding 3 charge cases	2005-06 Excluding 4 charge cases
Total # of Cases*	158	142	182	117	176
Average # of days to close	20.08	14.68	22.26	23.93	25.51
# of cases closed within 30 days	110	131	139	89	119
% of cases closed within 30 days	69.60%	92.25%	76.37%	76.07%	67.61%

2005-06 SIU CASE BREAKDOWN BY COUNTY, POLICE SERVICE AND POPULATION

COUNTY	POP.*	POLICE SERVICE	Total Cases	% of Total Cases	Firearm Injuries	Firearm Deaths	Custody Injuries	Custody Deaths	Vehicular Injuries	Vehicular Deaths	Sexual Assault Complaints
SIU CENTRAL REGION											
Dufferin County	51,013	OPP Dufferin Detachment	1	0.5%					1		
Haldimand	52,335	OPP Haldimand County Detachment	2	1.0%			1		1		
Norfolk	52,335	OPP Norfolk County Detachment	1	0.5%			1				
Brant County †	118,486	Brantford Police Service	5	2.5%		1	3		1		
Halton Regional Municipality	375,229	Halton Regional Police Service	6	2.9%	1		3				2
Simcoe County	377,050	Barrie Police Service	5	2.5%			2		3		
		Midland Police Service	1	0.5%			1				
		OPP Barrie Detachment	1	0.5%			1				
		OPP Nottawasaga Detachment	2	1.0%			1		1		
		OPP Southern Georgian Bay Detachment	1	0.5%			1				
		OPP Orillia Detachment	2	1.0%	1		1				
		OPP Huronia West Detachment	1	0.5%							1
Niagara Regional Municipality	410,574	Niagara Regional Police Service	5	2.5%			2	2	1		
Hamilton Division	490,268	Hamilton Police Service	15	7.4%			7	1	4	1	2
Durham Regional Municipality	506,901	Durham Regional Police Service	9	4.4%		1	3	2	2		1
		OPP Whitby Detachment	1	0.5%			1				
York Regional Municipality	729,254	York Regional Police Service	8	3.9%		2	3		3		
Peel Regional Municipality	988,948	Peel Regional Police Service	11	5.4%		1	9				1
		OPP Caledon Detachment	1	0.5%							1
		OPP Port Credit Detachment	2	1.0%				1			1
TOTAL SIU CENTRAL REGION	**4,152,392 ***	**(% of Ontario's population = 36.4%)**	**80**	**39.2%**	**2**	**5**	**40**	**6**	**17**	**1**	**9**
SIU TORONTO REGION											
Toronto Division	2,481,494	Toronto Police Service	42	20.6%	3	1	22	4	5	4	3
TOTAL SIU TORONTO REGION	**2,481,494 ***	**(%of Ontario's population = 21.7%)**	**42**	**20.6%**	**3**	**1**	**22**	**4**	**5**	**4**	**3**
SIU EASTERN REGION											
Haliburton County	15,086	OPP Haliburton Highlands Detachment	0	0.0%							
Lennox and Addington County	39,461	OPP Napanee Detachment	2	1.0%					2		
Prince Edward Division	24,901	Belleville Police Service	3	1.5%	1		2				
Lanark County	62,495	Smiths Falls Police Service	0	0.0%							

COUNTY	POP*	POLICE SERVICE	Total Cases	% of Total Cases	Firearm Injuries	Firearm Deaths	Custody Injuries	Custody Deaths	Vehicular Injuries	Vehicular Deaths	Sexual Assault Complaints
SIU EASTERN REGION											
Prescott and Russell United Counties	76,446	OPP Russell County Detachment	0	0.0%							
Leeds and Grenville United Counties	99,806	OPP Grenville County Detachment	1	0.5%			1				
		OPP Leeds County Detachment	1	0.5%		1					
Stormont, Dundas and Glengarry United Counties	109,573	Cornwall Police Service	3	1.6%							
Hastings County	125,345	Belleville Police Service	4	2.1%							
Frontenac County	132,856	OPP Frontenac Detachment	2	1.0%			1	1			
Ottawa Division	719,372	Ottawa Police Service	12	6.3%			9	2		1	1
Kawartha Lakes Division	69,179	OPP The City of Kawartha Lakes Detachment	3	1.5%			1				2
Northumberland County	77,497	Cobourg Police Service	1	0.5%			1				
Renfrew County	96,136	Pembroke Police Service	2	1.0%			2				
		OPP Upper Ottawa Valley Detachment	1	0.5%	1						
Peterborough County	125,856	Peterborough Lakefield Community Police Service	0	0.0%							
TOTAL SIU EASTERN REGION	**1,839,779 ***	**(% of Ontario's population = 16.0%)**	**28**	**13.7%**	**2**	**1**	**16**	**3**	**2**	**1**	**3**
SIU NORTHERN REGION											
Parry Sound District	23,905	OPP Almaguin Highlands Detachment	1	0.5%				1			
Muskoka District Municipality	57,196	OPP Bracebridge Detachment	1	0.5%			1				
Manitoulin District	12,679	Gore Municipal Detachment	1	0.5%			1				
Rainy River District	22,104	Atikokan Police Service	0	0.0%							
Sudbury District	22,096	OPP Nipissing Detachment	0	0.0%							
Timiskaming District	34,442	OPP Timiskaming Detachment	1	0.5%			1	1			1
Kenora District	21,402	Dryden Police Service	0	0.0%							
Nipissing District	82,910	North Bay Police Service	3	1.6%							
Cochrane District	80,247	Kapuskasing Police Service	1	0.5%			1				
Algoma District	113,947	Michipicoten Township Police Service	0	0.0%							
Thunder Bay District	154,980	Thunder Bay Police Service	4	2.0%		1	2				1
		OPP Thunder Bay Detachment	2	1.0%			1				1
Greater Sudbury Division	164,380	Greater Sudbury Police Service	2	1.0%	1						1
TOTAL SIU NORTHERN REGION	**839,549 ***	**(%of Ontario's population = 7.4%)**	**15**	**7.4%**	**1**	**1**	**7**	**2**	**0**	**0**	**4**

COUNTY	POP*	POLICE SERVICE	Total Cases	% of Total Cases	Firearm Injuries	Firearm Deaths	Custody Injuries	Custody Deaths	Vehicular Injuries	Vehicular Deaths	Sexual Assault Complaints
SIU WESTERN REGION											
Huron County	59,701	Wingham Police Service	0	0.0%							
		OPP Huron Detachment	0	0.0%							
Bruce County	63,992	Saugeen Shores Police Service	1	0.5%	1						
		Hanover Police Service	2	1.0%			2				
		OPP Bruce Peninsula Detachment	1	0.5%			1				
Elgin County	91,553	Aylmer Police Service	1	0.5%			1				
		St. Thomas Police Service	1	0.5%	1						
		OPP Elgin Detachment	1	0.5%			1				
Grey County	99,073	West Grey Police Service	1	0.5%			1				
		Owen Sound Police Service	1	0.5%				1			
Oxford County	99,270	Oxford Community Police Service	0	0.0%							
Chatham-Kent Division	107,709	Chatham-Kent Police Service	3	1.5%			1			1	1
Lambton County	126,971	Sarnia Police Service	1	0.5%							1
Wellington County	187,313	Guelph Police Service	4	2.0%			2	1			1
		OPP Wellington Detachment	1	0.5%							1
Essex County	374,975	Amherstburg Police Service	1	0.5%				1			
		Windsor Police Service	5	2.5%			5				
		OPP Essex Detachment	1	0.5%					1		
Middlesex County †	403,185	London Police Service	10	4.9%			6	2		2	
Waterloo Regional Municipality	438,515	Waterloo Regional Police Service	4	2.0%			3	1			
Perth County	73,675	Perth Police Service	0	0.0%							
TOTAL SIU WESTERN REGION	2,105,832 *	(% of Ontario's population = 18.5%)	39	19.1%	2	0	22	7	1	3	4
TOTAL SIU REGIONS	11,410,046		204	100%	10	8	107	22	25	9	23

Population information provided by 2001 Census Canada. Statistics Canada excludes First Nations and where enumeration was incomplete. For further information please refer to the Statistics Canada website.
† Inconsistencies in total percentages are due to rounding.

ONTARIO POLICE SERVICES ACT, 1990 PART VII

SPECIAL INVESTIGATIONS UNIT

Section 113
(1) There shall be a special investigations unit of the Ministry of the Solicitor General.

(2) The unit shall consist of a director appointed by the Lieutenant Governor in Council on the recommendation of the Solicitor General and investigators appointed under the Public Service Act.

(3) A person who is a police officer or former police officer shall not be appointed as director, and persons who are police officers shall not be appointed as investigators.

(4) The director and investigators are peace officers.

(5) The director may, on his or her own initiative, and shall, at the request of the Solicitor General or Attorney General, cause investigations to be conducted into the circumstances of serious injuries and deaths that may have resulted from criminal offences committed by police officers.

(6) An investigator shall not participate in an investigation that relates to members of a police force of which he or she was a member.

(7) If there are reasonable grounds to do so in his or her opinion, the director shall cause informations to be laid against police officers in connection with the matters investigated and shall refer them to the Crown Attorney for prosecution.

(8) The director shall report the results of investigations to the Attorney General.

(9) Members of police forces shall co-operate fully with the members of the unit in the conduct of investigations.

Order in Council 814/93:
(1) the administration of Part VII of this Act be assigned and transferred from the Solicitor General and Minister of Correctional Services to the Attorney General, effective April 8, 1993, and

(2) the powers and duties of Solicitor General, now vested in the Solicitor General and Minister of Correctional Services, pertaining to the Special Investigations Unit, with the exceptions of that set out in subsection 113 (5) of this Act, be assigned and transferred to the Attorney General, effective April 8, 1993.

Regulations 673/98:
Effective January 1, 1999, this Regulation was enacted and details the conduct and duties of police officers respecting investigations by the Special Investigations Unit.

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